IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Crl.Rev.Pet.No. 766 of 1999()

CC.850/1995 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE
CRA.294/1997 of ADDL.SESSIONS COURT, KOZHIKODE
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REVN. PETITIONER: APPELLANT/ ACCUSED

ELEDATH RAVINDRAN,
LAB ASSISTANT , BOATANY DEPARTMENT,
GURUVAYOORAPPAN COLLEGE,
KOZHIKODE.

BY ADV. SRI.K.I.MAYANKUTTY MATHER

RESPONDENTS: RESPONDENTS/ COMPLAINANT AND NON PARTY.
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1. DEVAKI AMMA, VADAKKEVILAKKATH PARAMBU,
VALAYANAD AMSOM DESOM, KOZHIKODE.

2. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI
SRI.SUNNY MATHEW

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.766 of 1999

Dated this the 19th day of July, 2007

O R D E R

The revision petitioner is the accused with respect to the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to pay a fine of Rs.30,000/- and in default, to undergo simple imprisonment for three months. It is also directed that the fine amount, if realised, an amount of Rs.20,000/- is to be paid to the complainant as compensation.

2. The prosecution case is that the complainant has paid a sum of Rs.20,000/- to the accused as he promised to obtain her a job at Guruvayoorappan College, Kozhikode and as he could not arrange for the job towards the discharge of the liability he issued the impugned cheque which when presented for encashment got dishonoured for want of funds in the account of the accused. The execution of the cheque and dishonour for want of funds stands proved from the evidence of PW1. The lawyer notice sent was not replied to nor was the amount paid. Both the courts below have

concurrently found that the execution of the cheque stands proved as well as the insufficiency of funds in the account of the accused. There was no rebuttal evidence. In the circumstances, I find no reason to interfere in the findings of the courts below.

3. All the same, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.20,000/- to PW1, the complainant, and in default, to undergo simple imprisonment for three months. The revision petitioner is granted two months' time to remit the amount of compensation. He shall appear before the court of JFCM-I, Kozhikode on 28.9.2007 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl